

SOUTHERN DISTRICT OF NEW YORK

ZUBEARU BETTIS

PLAINTIFF

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(VEC) (KHP)

~~AMENDED COMPLAINT~~

SECOND AMENDED COMPLAINT
UNDER FEDERAL TORT CLAIMS ACT

- AGAINST - UNITED STATES OF AMERICA

BUREAU OF PRISONS NORTHEAST REGIONAL
OFFICE (NERO) DIRECTOR; KNOWN AND UNKNOWN
EMPLOYEES. LAMINE N'DIAYE, WARDEN OF
METROPOLITAN CORRECTION CENTER NEW YORK.
(MCCNY) ROBERT BEAUDOUIN M.D. MCCNY.
ERSKINE WILKES COUNSELOR MCCNY.
NATHANIEL BALLOCK COUNSELOR MCCNY.
CARLOS PEREZ LIEUTENANT MCCNY.
KNOWN AND UNKNOWN MCCNY STAFF ALL IN
THEIR OFFICIAL AND INDIVIDUAL CAPACITY
MICHELLE LERNER-CANNATA PHYSICIAN ASST. MCCNY
DEFENDANTS

HONORABLE JUSTICE PARKER,
2ND

THE FOLLOWING IS THE ^{2ND} AMENDED COMPLAINT OF ZUBEARU BETTIS. I AM THE PLAINTIFF IN THE ABOVE TITLED ACTION. I BEG THE COURT'S INDULGENCE AS I WILL ADD SIGNIFICANTLY MORE DETAIL, IN ADDITION TO NAMING JANE DOE DEFENDANT, IN THIS COMPLAINT.

IN OCTOBER OF 2018 IN THE METROPOLITAN CORRECTION CENTER ON UNIT 11 NORTH, I GAVE A HAIRCUT TO A PRISONER NAMED MOLINA ON OCTOBER 2ND IN THE AM. AS I CUT MOLINA'S HAIR, A PIECE OF CLIPPED HAIR FELL INTO THE CUTICLE OF MY RIGHT THUMB. IT IMMEDIATELY BEGAN TO ITCH. I FINISHED THE CUT AND WENT TO WASH MY HANDS WITH SOAP AND WARM WATER. THE ITCH IN MY THUMB PERSISTED. I CONTINUED TO CUT HAIR. SOME TIME AFTER LUNCH WAS SERVED AND MEAL TRAYS COLLECTED, I NOTICED A SMALL BLISTER ON MY THUMB IN THE AREA WHERE THE CLIPPED PIECE OF MOLINA'S HAIR HAD FALLEN INTO THE CUTICLE OF MY RIGHT THUMB. I WENT TO OFFICER TORRES (SHORT, LATINA, MARINE VETERAN, FEMALE, TATTOOS) IN THE UNIT OFFICE, SHOWED HER THE BLISTER AND ASKED HER TO CALL THE CLINIC TO SEE IF I CAN BE SEEN BY MEDICAL STAFF. THE OFFICER ASKED ME HOW I GOT THE BLISTER AND I TOLD HER THAT A PIECE OF MOLINA'S HAIR GOT IN MY CUTICLE. SHE CALLED THE CLINIC, NO ANSWER, I CONTINUED TO CUT HAIR. OFFICER TORRES TOLD ME THAT THE CLINIC WOULD CALL HER BACK. I WAS NOT SEEN. AT PILL LINE (MEDICATION) THAT AFTERNOON (APPROX 5 PM) I SHOWED THE BLISTER TO THE PA OR LPN WHO ISSUED MEDS AND WAS TOLD TO PUT IN FOR SICK CALL. (IT WAS EITHER P.A. SINGH OR LPN GRAY) THE NEXT MORNING THE BLISTER IS OBVIOUSLY BIGGER. I AGAIN GO TO OFFICER TORRES SHOW HER MY THUMB ASK FOR CLINIC. SHE CALLED, EXPLAINED MY PREDICAMENT, I WAS NOT CALLED OR SEEN BY MEDICAL (10/10/21/18 WAS ON A TUESDAY. 10/3, 10/4 WAS A REPEAT OF ME SHOWING PA JOAQUIN (INSULIN 6-7 AM) LPN GRAY P.A. SINGH (NOON AND AFTERNOON MEDICATION) AND OFFICER TORRES THIS EVER EXPANDING BLISTER ON MY THUMB. BY NOW MOST OF 11 NORTH PRISONERS SEE THAT I'VE BEEN INFECTED.

MOLINA EVEN OFFERED ME A PILL THAT HE WAS TAKING BECAUSE HE HAS AN INFECTION. (922 IS NUMBER ON PILL HE OFFERED) I DID NOT TAKE THE PILL FROM MOLINA. FINALLY ON FRIDAY AFTERNOON THE BLISTER IS THE ENTIRE LENGTH OF MY THUMB. I CAN NOT BEND MY THUMB IT ITCHES AND BURNS, I WAS CALLED TO CLINIC. DR. BEAUDOUIN AND PA (10/5) MICHELL LERNER-CANNATA SAW ME TOGETHER. THEY BURST THE BLISTER. PLACED SOME OF THE PUS ON THE DISC FOR CULTURE, BANDAGED MY THUMB. I EXPLAINED HOW THE BLISTER STARTED. DR. BEAUDOUIN SAID THAT HE WOULD ORDER ANTIBIOTICS FOR ME UNTIL THE RESULTS OF THE CULTURE CAME BACK. OCTOBER 6, 7, 8 I RECEIVED NO ANTIBIOTICS. MY THUMB CONTINUED TO LEAK PUS. MEDICAL STAFF ARE NOT PERMITTED TO GIVE BANDAGES FROM THEIR CARTS WHEN THEY COME TO THE UNIT. 10/9/18 LPN GRAY (FEMALE BLACK THICK SET NATURAL HAIR IN AN AFROTYPE STYLE) REFUSED OUTRIGHT TO CHANGE MY BANDAGE (WHICH AT THIS POINT IS TOILET PAPER BUNCHED ON MY THUMB. THAT ENTIRE WEEKEND WITH MY THUMB LEAKING PUS I AM BEING BADGERED, RIDICULED, SLANDERED, THREATENED, MOCKED, MADE FUN OF BY NUMEROUS OTHER PRISONERS BECAUSE I AM FORCED TO GO ABOUT WITH AN OPEN WOUND THAT CONSTANTLY LEAKS PUS AND I MUST MOP IT WITH TOILET PAPER. MY CELLMATE WHO WAS A BLOODS GANG MEMBER THREATENED TO "SHOOT" ME IF HE (CUT WITH RAZOR) BECAME INFECTED. PAIN, HUMILIATION, FEAR, CONSUMED ME. OCTOBER 9TH OR 10TH I WAS CALLED TO THE CLINIC AND INFORMED THAT I HAD CONTRACTED MRSA. LERNER-CANNATA APOLOGIZED TO ME BECAUSE SHE "FORGOT" TO SUBMIT MY PRESCRIPTION FOR ANTIBIOTICS TO THE PHARMACY THAT PREVIOUS FRIDAY (10/5/18) DR. BEAUDOUIN EXPLAINS MRSA TO ME AS "A BACTERIAL INFECTION IN THE SKIN, EVERYBODY HAS IT." ALSO ON 10/9 OR 10/10 I WAS SENT TO THE SPECIAL HOUSING UNIT (SHU) BY COUNSELOR WALKES BECAUSE OF HIS REFUSAL TO GIVE ME A B-P8 COMPLAINT FORM. WALKES LIED IN A MISBEHAVIOR REPORT STATING THAT I THREATENED HIM AS WE ARGUED IN 11 NORTH SALLY PORT (ELEVATOR AREA) ABOUT THE B-P8. WHEN I FIRST ASKED FOR A B-P8, WALKES REPLY IS "WHY? YOU WANNA SUE?" TWO OR THREE DAYS WALKES REFUSED ME A B-P8. THEN HE HAS ME PLACED IN THE SHU. I RECEIVED LOSS OF COMMISSARY AND PHONE PRIVILEGES. DR. BEAUDOUIN'S TREATMENT ORDERS FOR MRSA INFECTION IS: TO BE CELLED ALONE, DAILY WOUND CARE, TWICE DAILY ANTIBIOTICS FOR 10 DAYS. I WAS LABELED MEDICAL ISOLATION. I WAS MOVED TO G-TIER IN 9S (SHU) G-TIER IS A SPECIAL ACCOMODATION TIER THAT REQUIRES THE SHU LIEUTENANT FOR ALL CELLS. THE SHU LIEUTENANT HAS THE KEYS TO G-TIER, MUST BE CALLED ON TO SERVE FOOD, MEDICATION, LINEN EXCHANGE, LAUNDRY TO ANY PRISONER LOCKED ON G-TIER. CARLOS PEREZ IS THE STEADY/REGULAR SHU LIEUTENANT 6AM TO 2PM FOUR TO FIVE DAYS PER WEEK. LT PEREZ REFUSED OUTRIGHT TO TAKE ME TO THE CLINIC FOR DAILY WOUND CARE. HE NEVER ONCE TOOK ME TO THE CLINIC. LT KIEZIMAN OR LT EXHANDI TOOK ME FOR WOUND CARE ON THOSE DAYS THAT THAT LT PEREZ DID NOT WORK. IT AMOUNTED TO MY ONLY RECEIVING WOUND CARE ONCE PER WEEK. LT PEREZ WOULD GIVE ME MEALS ONLY AFTER THEY SAT ON THE BOX ATTACHED TO CELL SLOT (TO PREVENT ANY CONTACT) HOURS. SOME MEALS I WOULD NOT RECEIVE ON HIS SHIFT. LT PEREZ WOULD NOT COME TO G-TIER SO THAT I COULD RECEIVE MEDICATION. LPN COLUMBO WAS LEFT WAITING ON MULTIPLE OCCASIONS. HE EVEN LEFT THE MEDS ON THE BOX WHICH LT PEREZ REFUSED TO GIVE ME. THE LIEUTENANT DID NOT COLLECT GARBAGE FROM MY CELL UNTIL CONFRONTED BY WARDEN N'DIAYE WHO WITNESSED OVER 10 DAYS WORTH OF STYROFOAM MEAL TRAYS PILED IN THE CELL. LT PEREZ'S ACTIONS LED DIRECTLY TO MY NEED 40 DAYS BEFORE THE MRSA INFECTION CLEARED UP. WHEN I CONFRONTED LT. PEREZ HE SAID: "F---K THAT! I'M NOT TRYNA BRING THAT S---T HOME TO MY WIFE AND KIDS." ABOUT HIS REFUSALS-CLINIC AND MEDS I WAS NOT RELEASED UNTIL MY THUMB BLISTER HEALED COMPLETELY ABOUT 40 DAYS LATER.

DEFENDANTS NERO DIRECTOR KNOWN AND UNKNOWN EMPLOYEES KNEW OF BLACK MOLD CONDITION AT MCC NY. MULTIPLE TIMES A YEAR "VISITORS FROM REGIONAL" APPEAR AT MCCNY. THEY VIEW, LOOK AT, SEE, CONDITIONS OF THE JAIL. THEY SPEAK TO ADMINISTRATIVE STAFF. THEY SPEAK TO MEDICAL STAFF. THEY SPEAK TO PRISONERS, THO ON A LIMITED BASIS. VISITS TO THE JAIL FROM NERO BY ITS EMPLOYEES IS A REGULAR OCCURANCE, AND FREQUENT. REPORTS ARE GENERATED BASED ON THESE VISITS. I PERSONALLY SPOKE TO "REGIONAL" (WHEN ASKED "WHO ARE YOU?" "REGIONAL" IS THE REPLY) IN 2015, 2018, AND 2019 WHILE IN SHU. THESE PEOPLE FROM REGIONAL APPEAR TO TAKE NOTES WHEN SPEAKING TO PRISONERS. THE CONDITIONS OF MCCNY HAVE BEEN REPORTED TO NERO VIA ~~SEVERAL~~ MULTIPLE AVENUES. NERO DID NOT TAKE ACTION. MCCNY IS INFESTED WITH DRUGS, MICE, MOLD, ROACHES, GANGS: CUTTINGS STABBINGS AND ASSAULTS AND CORRUPT OFFICIALS WHO BRING IN DRUGS, ALLOW AND AID PRISONER ATTACKS AND ASSAULTS. NERO KNOWS, HAS BEEN INFORMED. MCCNY HAS HAD ~~FIVE~~ FIVE OR SIX DIFFERENT ~~WARDENS~~ WARDENS ASSIGNED TO THE JAIL ~~BECAUSE~~ BECAUSE OF CONDITIONS. NERO HAS AN OBLIGATION TO OVERSEE AND SUPPORT BOP FACILITIES IN ITS REGION. IT HAS THE POWER TO FIX CONDITIONS. FOR ANY DEFENDANT TO SAY THAT THEY DID NOT KNOW THAT BLACK MOLD CAUSES OR CAN CAUSE A SUBSTANCIAL RISK TO PRISONERS IS JUST NOT REALISTIC. ESPECIALLY WITH THE OUTBREAKS OF BACTERIAL INFECTIONS AMONG PRISONERS AT MCC NY. WHEN I WAS INFECTED, I SPENT 40 DAYS IN SHU, WHEN I RETURN TO POPULATION, I CAN CLEARLY SEE THE OTHER PRISONERS WHO HAVE RASHES AND INFECTIONS AND THE AMOUNT ALONE POINTED ME TO THE BLACK MOLD AS THE SOURCE OF INFECTIONS EVEN IF PASSED INMATE TO INMATE. NERO DIRECTOR RECEIVED REPORTS FROM ITS EMPLOYEES WHO VISITED MCCNY. NERO DIRECTOR KNEW OF BLACK MOLD, MICE, ROACHES, STABBINGS, CUTTINGS, GANG ASSAULTS, OFFICIALS BRINGING DRUGS INTO MCCNY AND DID NOT ACT WITHIN ITS POWER AND DUTY TO IMPROVE CONDITIONS FOR PRISONER SAFETY. THE CONDITIONS WERE BUILDING OVER TIME, OVER THE YEARS, AND BECAME PROGRESSIVELY WORSE. IN 2021 NERO SHUTTERED MCC NY BECAUSE OF CONDITIONS IN THAT JAIL.

DEFENDANTS KNEW OF SUBSTANCIAL RISK TO PRISONER HEALTH AND SAFETY. THEY KNEW ALL ALONG. THEY TOOK ACTION TOO LATE.

★ OVER A FIVE YEAR PERIOD.

MCCNY IS INFESTED WITH BLACK MOLD. I PERSONALLY SAW BLACK MOLD IN THE SHOWERS, ON TIERS AND IN CELLS OF UNITS 11 NORTH 9 NORTH 9 SOUTH. BLACK MOLD HAS BEEN FESTERING AND GROWING IN MCCNY FOR YEARS. THERE ARE UNTOLD NUMBERS OF PRISONERS WHO SUFFERED INFECTIONS DUE TO THE BLACK MOLD - MELVIN COTTON, ANTHONY CORLEY, SHANNON WILLIS, MOLINA, MYSELF AND DOZENS OF OTHERS WHO'S NAME I DO NOT KNOW. AT ONE POINT IN 2019 THERE WERE ABOUT A DOZEN PRISONERS INFECTED AT ONE TIME FROM 1 TIER, 2 TIER, 3 TIER AND 5 TIER ON 11 NORTH IN MCCNY. THE BLACK MOLD INFESTATION IS AS PREVALENT AS THE MICE AND ROACHES IN THE BUILDING. POOR VENTILATION IN SHOWERS SENDS STEAM THROUGHOUT THE TIER. NO VENTILATION ON TIERS. THE SYSTEM IN CELLS ARE SO FAULTY AS TO BE NON EXISTANT. BLACK MOLD IS AROUND VENTS IN CELLS, EXTERIOR WALL IN CELLS, ON THE CEILING OF THE ~~TIER~~, SHOWER FLOORS AND CEILINGS. CONSTANT COMPLAINTS AND BP-8 9 AND 10 COMPLAINTS FILED WERE IGNORED. WARDEN N'DIAYE WAS SHOWN THE BLACK MOLD ON 2 TIER ON 11 NORTH. HE ORDERED IT PAINTED OVER. BLACK MOLD IS TOXIC. BLACK MOLD IS HIGHLY INFECTIOUS. EXPOSURE TO BLACK MOLD CAUSES BACTERIAL INFECTIONS: COTTON HAD EAR INFECTION. CORLEY HAD RASH ON HIS HAND AND FINGERS. WILLIS HAD RASH AROUND HIS EYES. MOLINA HAD BLISTER ON THE BACK OF HIS HEAD. I HAD A BLISTER. I GAVE COUNSELOR BULLOCK ~~A~~ BP-8 COMPLAINTS ABOUT THE BLACK MOLD IN 2019. HE RETURNED ONE TO ME IN 2020. NERO RECEIVED MY BP-10 ABOUT MY BEING INFECTED BY ANOTHER PRISONER AND MY BP-10 ABOUT THE BLACK MOLD IN MCCNY. I HAD RECEIPTS MAILED BACK TO ME. I WAS MOVED FROM MCCNY 8-31-2020. MCCNY WAS PLACED ON LOCKDOWN WHEN AN OFFICER BROUGHT GUNS AND DRUGS INTO THE FACILITY AND WAS CAUGHT AND ARRESTED. I WAS SHIPPED TO OTISVILLE FCI AND THEN BACK TO MCCNY 3-2020. THEN THE COVID-19 LOCKDOWN HAPPENED. I WAS TRANSFERRED OUT OF FEDERAL JURISDICTION INTO WESTCHESTER COUNTY DEPARTMENT OF CORRECTION 8-31-20. AMID COVID-19 LOCK DOWN.

THAT MRSA INFECTION LEFT MY RT THUMB PERMANENTLY DISFIGURED; ^{SCARRED} NAIL AND KNUCKLE, I STILL HAVE SOME PAIN WHERE THE BLISTER ONCE SAT. MENTAL EMOTION ANGUISH.

EXHAUSTING REMEDIES IS LAW TO FILE A CLAIM. WHEN A PERSON SEEKS TO PREVENT A PRISONER FROM FORMAL COMPLAINT, THAT ACT MUST BE A DUE PROCESS VIOLATION OTHERWISE JAIL OFFICIALS WILL VIOLATE PRISONERS THEN INTERFERE WITH EXHAUSTION AND PRISONERS CAN NEVER SEEK RELIEF. WHERE IS EQUAL PROTECTION IN THAT?

PLAINTIFF SEEKS RELIEF: THE BP-8, 9, PROCESS MUST BE RESTRUCTURED TO PREVENT PRISON STAFF INTERFERENCE. EIGHT MILLION IN COMPENSATORY DAMAGES. 92 MILLION IN PUNITIVE DAMAGES = 100 MILLION DOLLARS U.S. BOP HAS ALREADY SHUTTERED MCCNY. I SEEK TO ALSO HAVE INTERFERENCE OF REMEDIES VIEWED AS A DUE PROCESS VIOLATION, 14TH AMENDMENT. I HAVE AN ARGUMENT, WITH APPLICABLE LAW / CASE LAW.

I ZUBEARU BETTIS, HEREIN PLAINTIFF, DO SWEAR UNDER A PENALTY OF PERJURY THAT I WRITE THIS AMENDED COMPLAINT WITH INFORMATION THAT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 ZUBEARU BETTIS PRO SE
OCTOBER 25, 2022

DEFENDANTS - UNITED STATES OF AMERICA

~~BUREAU OF PRISONS NORTH EAST REGIONAL OFFICE; DIRECTOR PLUS KNOWN AND UNKNOWN EMPLOYEES~~

~~2ND AND CHESTNUT STREETS
PHILADELPHIA P.A.~~

~~LAMINE N'DIAYE, WARDEN MCCNY~~

~~ROBERT BEAUDOUIN M.D. MCCNY~~

~~MICHELLE LERNER-CANNATA PHYSICIAN ASSISTANT MCCNY~~

~~ERSKINE WILKES, COUNSELOR MCCNY~~

~~NATHANIEL BULLOCK, COUNSELOR MCCNY~~

~~CARLOS PEREZ LIEUTENANT MCCNY~~

~~KNOWN AND UNKNOWN STAFF AT MCCNY~~

~~MICHELLE LERNER-CANNATA~~

~~31 WANSOR AVE. BAYVILLE NY 11709~~

~~ERSKINE WALKES-RETIRED~~

~~ROBERT BEAUDOUIN~~

~~NATHANIEL BULLOCK~~

~~CARLOS PEREZ~~

~~ATTN LEGAL DEPARTMENT~~

~~METROPOLITAN DETENTION CENTER BROOKLYN~~

~~80 29TH STREET BRLYN NY 11232~~

~~LAMINE N'DIAYE~~

~~BUREAU OF PRISONS NORTH EAST REGIONAL OFFICE~~

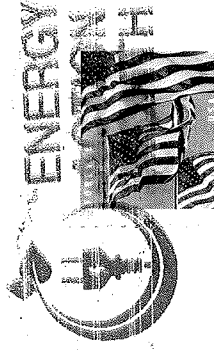
~~2ND AND CHESTNUT STREETS~~

~~PHILADELPHIA P.A.~~

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KNOXVILLE TN 377

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HONORABLE KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET NEW YORK N.Y. 10007

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